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Logand, Colorado 80537 0599



ATTO-MEY DOCKET NO. 10990531-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Intentor(s): Sutton et al.

Serial No.: 09,992,224

Filing Date: Nov 19, 2001

Examiner: Lau

Group Art Unit: 2863

Title:

Sir:

Electronic Test System and Method

COMMISSIONER FOR PATENTS PO Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Tran	ismitted herewith is/are the follo	wing in the above-identified application:
(X)	Response/A mendment	() Petition to extend time to respond
()	New fee as calculated below	() Supplemental Declaration
(X)	No additional fee (Address e	nvelope to "Mail stop Non-Fee Amendments")
()	Other:	(fee \$_

			Υ	ENTIT	SMALL	THER THAN A	NDED BY O	S AS AME	CLAIN		
(7) ADDITIONAL FEES		(6) RATE		(5) PRESENT EXTRA		(4) HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA	(2) CLAIMS REMAINING AFTER AMENDMENT	(1) FOR	
0	\$	\$18	X	0	=	27		MINUS	25	TOTAL CLAIMS	
0	\$	\$86	Х	0	=	8		MINUS	7	INDEP. CLAIMS	
0	\$] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM + \$290 \$								[] FIRS	
0	\$	4TH MONTH \$1480.00		тн	3RD MON \$950.00	0.00 C	ŀ	1ST MONTH \$110.00	EX TENSION FEE		
	\$	FEES	OTHER FEES								
0	\$	TOTAL ADDITIONAL FEE FOR THIS AMENDMENT									

0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50 1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: Oct 30, 2003

Typed Name: _June L. Bouscaren

Signature:

Respectfully submitted,

Sutton et al.

une L. Bouscaren

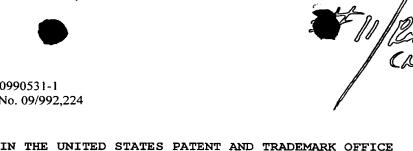
Attorney/Agent for Applicant(s)

Reg. No. 37,928

Date: Oct 30, 2003

Telephone No.: (970) 206-9177

Rev 10/03 (TransAmd) - Attach as First Page to Transmitted Papers -



In the Matter of the Application of:

Sutton et al.

Serial No. :

09/992,224

Filed:

November 19, 2001

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Docket No. 10990531-1 USPTO Ser. No. 09/992,224

Group Art Unit: 2863

Assistant Commissioner for Patents

Washington, DC 20231

Request for Advisory Action and Submittal of Affidavit Under 37 C.F.R. §1.131:

Dear Sir,

Final Office Action dated October 16, 2003, rejects claims 1-6, 8-11, 16, 18, 21, 23 and 26 as anticipated by U.S. Pat. Application Publication No. US 2003/0093736 A1 to Grey (herein "the Grey Publication") under 35 U.S.C. §102(e). Claims 7, 12, 13, 14, 15, 17, 19, 20, 22, and 24, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In response to the Final Rejection, an Affidavit by Inventor Christopher Sutton under 37 C.F.R. §1.131 showing an actual reduction to practice of the claimed

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Docket No. 10990531-1 USPTO Ser. No. 09/992,224

invention on a date prior to the filing date of the Grey Publication, August 31, 2001, is filed herewith for the purpose of removing the Grey Publication as an anticipating reference. It is Applicant's position that the Grey Publication discloses, but does not claim the subject matter of the present invention for reasons presented. In view of the portions of the Grey Publication used to reject the claims as presented in the Final Rejection, however, the Examiner may take a different position in the Advisory Action.

In addition, Applicant responds to maintenance of the rejection of claims 1-6, 8-11, 16, 18, 21, 23 and 26 as anticipated by the Grey Publication.

Consideration of the following Remarks and an Advisory Action is respectfully requested.